

Message Text

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C O N F I D E N T I A L SECTION 1 OF 11 NASSAU 1322

DEPARTMENT PLEASE PASS TO AMB. ALDRICH, S/AR AND ARA/CAR

E.O. 11652: GDS
TAGS: MILI, MARR, BF, US
SUBJ: FACILITIES NEGOTIATIONS

REF: NASSAU 1321

FOLLOWING IS TEXT OF DOCUMENT ENTITLED PROVISIONAL
NEGOTIATING TEXT.

DEAR MR. TAYLOR:

ON THE OCCASION OF THE DISCUSSIONS HELD IN MARCH BETWEEN
REPRESENTATIVES OF THE GOVERNMENTS OF THE BAHAMAS AND THE
UNITED STATES, THE BAHAMAS GOVERNMENT'S REPRESENTATIVES AGREED
TO PROVIDE THEIR PROPOSALS FOR CHANGES TO BE MADE TO THE
DRAFT DOCUMENTS ENTITLED FACILITIES PROVISION, STATUS OF
FORCES AND COMMON PROVISIONS. THE OPPORTUNITY HAS BEEN TAKEN
TO COMBINE THE THREE DOCUMENTS INTO ONE COMPREHENSIVE DOCUMENT
AND CHANGES IN THE NATURE OF AMENDMENTS, ADDITIONS AND DELETIONS
HAVE BEEN MADE TO THE ORIGINAL DRAFTS. THIS NEW DRAFT HAS
BEEN ENTITLED A PROVISIONAL NEGOTIATING TEXT AND INCORPORATES
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PROVISIONS FROM YOUR GOVERNMENT'S DRAFTS AND THE 1963 AUTEC
AGREEMENT.

YOURS SINCERELY,

O. S. RUSSELL
PERMANENT SECRETARY

PROVISIONAL NEGOTIATING TEXT OF AN
AGREEMENT BETWEEN THE GOVERNMENT OF
THE COMMONWEALTH OF THE BAHAMAS AND
THE GOVERNMENT OF THE UNITED STATES
OF AMERICA

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PROVISIONAL NEGOTIATING TEXT OF AN
AGREEMENT BETWEEN THE GOVERNMENT OF
THE COMMONWEALTH OF THE BAHAMAS AND
THE GOVERNMENT OF THE UNITED STATES
OF AMERICA

ARTICLE I

DEFINITIONS

FOR THE PURPOSES OF THIS AGREEMENT THE EXPRESSIONS:

(A) "BAHAMIAN AUTHORITIES" MEANS THE AUTHORITY OR AUTHORITIES
FROM TIME TO TIME AUTHORIZED OR DESIGNATED BY THE GOVERNMENT OF

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C O N F I D E N T I A L SECTION 2 OF 11 NASSAU 1322

DEPARTMENT PLEASE PASS TO AMB. ALDRICH, S/AR AND ARA/CAR

THE BAHAMAS FOR THE PURPOSE OF EXERCISING THE POWERS IN RE-
LATION TO WHICH THE EXPRESSION IS USED;

(B) "CONTRACTOR PERSONNEL" MEANS EMPLOYEES OF A UNITED STATES
CONTRACTOR WHO ARE NOT ORDINARILY RESIDENT OF THE BAHAMAS AND
WHO ARE THERE SOLELY FOR THE PURPOSES OF THIS AGREEMENT;

(C) "DEPENDENTS" MEANS THE SPOUSE AND CHILDREN UNDER 18 YEARS
OF AGE OF A PERSON IN RELATION TO WHOM IT IS USED; AND, IF
THEY ARE DEPENDENT UPON HIM FOR THEIR SUPPORT, THE PARENTS AND
CHILDREN OVER 18 YEARS OF AGE OF THAT PERSON;

(D) "MEMBERS OF THE UNITED STATES FORCES" MEANS:

(I) MILITARY MEMBERS OF THE UNITED STATES FORCES ON ACTIVE
DUTY;

(II) CIVILIAN PERSONNEL ACCOMPANYING THE UNITED STATES FORCES
AND IN THEIR EMPLOY WHO ARE NOT ORDINARILY RESIDENT IN THE
BAHAMAS AND WHO ARE THERE SOLELY FOR THE PURPOSES OF THIS
AGREEMENT; AND

(III) DEPENDENTS OF THE PERSONS DESCRIBED IN (I) AND (II)
ABOVE.

(E) "SITES" MEANS THE SITES DESCRIBED IN THE ANNEX TO THIS
AGREEMENT AND ANY ADDITIONS THERETO INCLUDING ANY ADDITIONAL
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SITES AND "SITE" MEANS ANY SITE SO PROVIDED;

(F) "UNITED STATES AUTHORITIES" MEANS THE AUTHORITY OR AUTHORITIES FROM TIME TO TIME AUTHORIZED OR DESIGNATED BY THE UNITED STATES GOVERNMENT FOR THE PURPOSE OF EXERCISING THE POWERS IN RELATION TO WHICH THE EXPRESSION IS USED;

(G) "UNITED STATES CONTRACTOR" MEANS ANY PERSON, BODY OR CORPORATION ORDINARILY RESIDENT IN THE UNITED STATES OF AMERICA THAT IS IN THE BAHAMAS FOR THE PURPOSES OF THIS AGREEMENT BY VIRTUE OF A CONTRACT WITH THE UNITED STATES GOVERNMENT, AND INCLUDES A SUB-CONTRACTOR; AND

(I) "UNITED STATES FORCES" MEANS THE LAND, SEA AND AIR ARMED SERVICES OF THE UNITED STATES, INCLUDING THE COAST GUARD.

ARTICLE II

PROVISION OF SITES

1. THE GOVERNMENT OF THE BAHAMAS SHALL PROVIDE TO THE UNITED STATES GOVERNMENT THE SITES AND SUCH OTHER SITES AS MAY SO LONG AS THIS AGREEMENT REMAINS IN FORCE BE IDENTIFIED BY AGREEMENT OF THE APPROPRIATE AUTHORITIES OF THE TWO GOVERNMENTS. THESE SITES, AS WELL AS RIGHTS OF ACCESS, RIGHTS OF WAY AND EASEMENTS, SHALL BE PROVIDED SUBJECT ONLY TO SUCH CHARGES AS ARE AGREED BY THE TWO GOVERNMENTS.

2. EXCEPT AS MAY OTHERWISE BE PROVIDED IN THIS AGREEMENT THE UNITED STATES GOVERNMENT SHALL NOT PERMIT THE SITES TO BE USED IN ANY WAY WHATSOEVER OTHER THAN FOR THE PURPOSES PROVIDED FOR IN THIS AGREEMENT WITHOUT THE PRIOR APPROVAL OF THE GOVERNMENT OF THE BAHAMAS.

3. THE UNITED STATES GOVERNMENT MAY AT ANY TIME NOTIFY THE GOVERNMENT OF THE BAHAMAS THAT IT HAS VACATED AND NO LONGER REQUIRES A SITE OR A SPECIFIED PORTION THEREOF, AND THEREUPON SUCH SITE OR PORTION THEREOF SHALL, FOR THE PURPOSES OF THIS

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AGREEMENT, CEASE TO BE, OR TO BE A PORTION OF, A SITE.

4. EXCEPT FOR THE PURPOSES OF THIS AGREEMENT OR WITH THE CONCURRENCE OF THE GOVERNMENT OF THE BAHAMAS, THE UNITED STATES GOVERNMENT SHALL NOT REMOVE OR DEMOLISH OR OTHERWISE DISPOSE OF ANY PERMANENT CONSTRUCTION OR INSTALLATION ON A SITE. ANY OTHER CONSTRUCTION OR INSTALLATION AND OTHER PROPERTY OWNED BY THE UNITED STATES GOVERNMENT OR A UNITED STATES CONTRACTOR, LOCATED IN THE BAHAMAS FOR THE PURPOSES OF THIS AGREEMENT, MAY BE REMOVED FROM THE BAHAMAS AT ANY TIME BY THE UNITED STATES GOVERNMENT OR UNITED STATES CONTRACTOR,

AS THE CASE MAY BE, PROVIDED THAT ANY SUCH PROPERTY OF THE UNITED STATES GOVERNMENT WHICH IS NOT REMOVED FROM THE BAHAMAS (OR DISPOSED OF IN THE BAHAMAS WITH THE CONSENT OF THE GOVERNMENT OF THE BAHAMAS) WITHIN 3 MONTHS AFTER THE DATE THAT THE SITE ON WHICH IS IT LOCATED CEASES TO BE A SITE IN ACCORDANCE WITH THIS AGREEMENT, SHALL BECOME THE PROPERTY OF THE GOVERNMENT OF THE BAHAMAS.

5. NO COMPENSATION SHALL BE PAYABLE TO THE UNITED STATES GOVERNMENT BY THE GOVERNMENT OF THE BAHAMAS IN RESPECT OF ANY CONSTRUCTION PERMANENT OR OTHERWISE OR INSTALLATION PERMANENT OR OTHERWISE OR OTHER PROPERTY NOT REMOVED OR DISPOSED OF IN ACCORDANCE WITH PARAGRAPH 4 OF THIS ARTICLE.

6. THE UNITED STATES GOVERNMENT SHALL BE UNDER NO OBLIGATION TO RESTORE THE SITES TO THE CONDITION IN WHICH THEY WERE AT ANY TIME PRIOR TO THEIR CEASING TO BE SITES OR PORTIONS OF SITES.

7. ALL MINERALS (INCLUDING OIL AND WATER),
ANTIQUITIES AND TREASURE

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C O N F I D E N T I A L SECTION 3 OF 11 NASSAU 1322

DEPARTMENT PLEASE PASS TO AMB ALDRICH, S/AR AND ARA/CAR

TROVE IN A SITE AND ALL RIGHTS RELATING THERETO ARE RESERVED TO THE GOVERNMENT OF THE BAHAMAS, BUT ANY EXPLOITATION THEREOF SHALL BE WITH THE CONCURRENCE OF THE UNITED STATES GOVERNMENT. SUCH CONCURRENCE SHALL NOT BE UNREASONABLY WITHHELD.

8. ACCESS TO THE SITES SHALL NOT BE PERMITTED TO PERSONS OTHER THAN PROVIDED FOR IN THIS AGREEMENT EXCEPT WITH THE CONSENT OF THE REPRESENTATIVES DESIGNATED FOR THAT PURPOSE BY THE GOVERNMENTS OF THE BAHAMAS AND THE UNITED STATES RESPECTIVELY.

ARTICLE III

GENERAL DESCRIPTION OF RIGHTS

1. THE UNITED STATES MAY TAKE ALL MEASURES WITHIN THE SITES AND WITHIN THE SEABEDS, WATERS AND AIR SPACE ADJACENT TO, OR IN THE VICINITY OF, THE SITES WHICH ARE NECESSARY FOR THE ESTABLISHMENT, USE, OPERATION AND PROTECTION THEREOF OR APPROPRIATE FOR THE CONTROL THEREOF.

2. THESE MEASURES SHALL INCLUDE, THE RIGHT:-

(A) TO CONSTRUCT (INCLUDING DREDGING AND FILLING),
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MAINTAIN, OPERATE, USE, OCCUPY AND CONTROL THE SAID SITES;

(B) TO IMPROVE AND DEEPEN THE HARBORS, CHANNELS, ENTRANCES AND ANCHORAGES, AND GENERALLY TO FIT THE PREMISES FOR THEIR INTENDED USE;

(C) TO CONTROL, SO FAR AS MAY BE REQUIRED FOR THE EFFICIENT OPERATION OF THE SITES, AND WITHIN THE LIMITS OF MILITARY NECESSITY, WITHIN THE SITES ANCHORAGES, MOORINGS AND MOVEMENTS OF SHIPS AND WATERBORNE CRAFT AND THE ANCHORAGES, MOORINGS, LANDINGS, TAKE-OFFS, MOVEMENTS AND OPERATIONS OF AIRCRAFT;

(D) TO INSTALL, MAINTAIN, USE AND OPERATE OCEANOGRAPHIC, AERONAUTICAL, SPACE, AND OTHER MILITARY OR SCIENTIFIC SYSTEMS AND EQUIPMENT.

3. THE USE OF RADIO FREQUENCIES, POWERS AND BAND WIDTHS FOR RADIO SERVICES (INCLUDING RADAR) FOR THE PURPOSES OF THIS AGREEMENT SHALL BE SUBJECT TO THE CONCURRENCE OF THE RELEVANT BAHAMIAN AUTHORITIES.

4. THE GOVERNMENT OF THE UNITED STATES SHALL TAKE ALL REASONABLE PRECAUTIONS AGAINST POSSIBLE DANGER AND DAMAGE RESULTING FROM OPERATIONS UNDER THIS AGREEMENT.

5. THE RIGHTS GRANTED TO THE UNITED STATES GOVERNMENT BY THIS AGREEMENT SHALL NOT BE EXERCISED UNREASONABLY OR SO AS TO INTERFERE WITH OR TO PREJUDICE THE SAFETY OF NAVIGATION, AVIATION OR COMMUNICATION.

6. IN EXERCISING ITS RIGHTS UNDER THIS AGREEMENT, THE UNITED STATES GOVERNMENT SHALL INSURE THAT NO NUCLEAR EXPLOSIONS AND, EXCEPT FOR NORMAL CONSTRUCTION, NO DETONATIONS OR EXPLOSIONS EXCEEDING THE EQUIVALENT OF 10 LBS. OF T.T.T. SHALL TAKE PLACE WITHIN THE TERRITORY OF THE BAHAMAS INCLUDING THE TERRITORIAL WATERS THEREOF, UNLESS THE CONSENT OF THE GOVERNMENT OF THE BAHAMAS SHALL PREVIOUSLY HAVE BEEN OBTAINED. THE FISHERIES OFFICER OF THE GOVERNMENT OF THE BAHAMAS SHALL HAVE THE RIGHT TO BE PRESENT AT ANY UNDERWATER DEMOLITIONS OR EXPLOSIONS.

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7. EXCEPT WITH THE PRIOR APPROVAL OF THE GOVERNMENT OF THE BAHAMAS, THE UNITED STATES GOVERNMENT SHALL NOT TRANSFER OR ASSIGN ANY RIGHTS CONFERRED BY OR UNDER THIS AGREEMENT.

ARTICLE IV

SHIPPING AND AVIATION

1. THE UNITED STATES GOVERNMENT MAY PLACE OR ESTABLISH IN THE SITES AND WITH THE AGREEMENT OF THE GOVERNMENT OF THE BAHAMAS IN THE WATERS ADJACENT THERETO AND IN THE VICINITY THEREOF, LIGHTS AND OTHER AIDS TO NAVIGATION OF VESSELS AND AIRCRAFT NECESSARY FOR OPERATIONS PURSUANT TO THIS AGREEMENT. SUCH LIGHTS AND OTHER AIDS SHALL BE COMPATIBLE WITH THE SYSTEM IN USE IN THE BAHAMAS. THE POSITION, CHARACTERISTICS AND ANY ALTERATIONS THEREOF SHALL BE DETERMINED WITH THE CONCURRENCE OF THE APPROPRIATE AUTHORITY OF THE BAHAMAS.

2. COMMERCIAL AND OTHER CIVIL AIRCRAFT SHALL NOT BE AUTHORIZED TO OPERATE FROM ANY OF THE SITES (SAVE IN CASE OF EMERGENCY OR FOR MILITARY PURPOSES UNDER SUPERVISION OF THE UNITED STATES FORCES) EXCEPT BY AGREEMENT BETWEEN THE TWO GOVERNMENTS.

3. AIRCRAFT USED BY THE GOVERNMENT OF THE BAHAMAS FOR NONCOMMERCIAL PURPOSES MAY, FROM TIME TO TIME LAND AT THE SITES WITH THE PRIOR CONSENT OF APPROPRIATE UNITED STATES AUTHORITIES

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C O N F I D E N T I A L SECTION 4 OF 11 NASSAU 1322

DEPARTMENT PLEASE PASS TO AMB ALDRICH, S/AR AND ARA/CAR

WITHOUT PAYMENT OF LANDING FEES OR OTHER SUCH CHARGES. THE GOVERNMENT OF THE BAHAMAS ACCEPTS ALL RISKS AND ASSUMES ALL CLAIMS RESPONSIBILITY, AND SHALL HOLD THE UNITED STATES GOVERNMENT AND UNITED STATES CONTRACTORS HARMLESS FROM ANY LOSS OR DAMAGE, ASSOCIATED WITH SUCH USE OF A SITE.

ARTICLE V

EMPLOYMENT OF LABOR

1. NATIONALS OF THE BAHAMAS WHO ARE SUITABLY QUALIFIED WILL BE EMPLOYED TO THE MAXIMUM EXTENT FEASIBLE IN CONNECTION WITH ACTIVITIES UNDER THIS AGREEMENT.
 2. IN THE FIXING OF TERMS OF EMPLOYMENT FOR LOCALLY HIRED EMPLOYEES OF THE UNITED STATES FORCES AND UNITED STATES CONTRACTORS, PARTICULARLY IN RESPECT OF WAGES AND CONDITIONS OF WORK, SUPPLEMENTARY PAYMENTS, INSURANCE AND CONDITIONS FOR THE PROTECTION OF EMPLOYEES, FULL REGARD SHALL BE GIVEN TO EMPLOYMENT PRACTICES GENERALLY OBTAINING FOR SIMILAR EMPLOYMENT IN THE BAHAMAS, AND IN NO CASE SHALL THE TERMS OF EMPLOYMENT FOR SUCH EMPLOYEES BE INFERIOR
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TO THOSE LAID DOWN BY ANY LEGISLATION IN FORCE IN THE BAHAMAS OR ANY INTERNATIONAL CONVENTION, THE PROVISIONS OF WHICH HAVE BEEN ADOPTED BY THE UNITED STATES GOVERNMENT AND THE GOVERNMENT OF THE BAHAMAS.

ARTICLE VI

CONSTRUCTION CONTRACTS

- (1) ALL CONTRACTS AWARDED BY THE UNITED STATES GOVERNMENT IN CONNECTION WITH CONSTRUCTION REQUIRED UNDER THIS AGREEMENT SHALL BE OPEN TO TENDER ON A NON-DISCRIMINATORY AND COMPETITIVE BASIS TO QUALIFIED (I) FIRMS IN THE UNITED STATES, (II) FIRMS IN THE BAHAMAS, AND (III) JOINT VENTURES OF ANY OF THE FOREGOING.
- (2) SUBJECT TO SUCH CONDITIONS OF CONTRACTING AS MAY BE AGREED BETWEEN THE GOVERNMENT OF THE BAHAMAS AND THE GOVERNMENT OF THE UNITED STATES, SUCH CONTRACTS SHALL BE AWARDED ON A NON-DISCRIMINATORY AND COMPETITIVE BASIS
- (3) IN SUB-CONTRACTING, CONTRACTORS SHALL GIVE DUE CONSIDERATION TO THE USE OF BAHAMIAN SUB-CONTRACTORS.
- (4) INVITATIONS TO TENDER SHALL BE ISSUED ON THE SAME DAY TO ALL THE FIRMS OR JOINT VENTURES DESCRIBED IN PARAGRAPH (1) ABOVE WHICH HAVE INDICATED A DESIRE TO TENDER BIDS. COPIES OF THESE INVITATIONS AND NOTIFICATION OF THE AWARD OF CONTRACTS SHALL BE SENT BY THE UNITED STATES AUTHORITIES TO THE APPROPRIATE BAHAMIAN AUTHORITIES.

ARTICLE VII

LOCAL PURCHASES

THE UNITED STATES GOVERNMENT, AND COMPANIES AND INDIVIDUALS UNDER CONTRACT TO THE UNITED STATES GOVERNMENT OR ENGAGED IN WORK FOR THE CONFIDENTIAL

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PURPOSES OF THIS AGREEMENT MAY PURCHASE LOCALLY GOODS AND SERVICES REQUIRED FOR SUCH PURPOSES, AND MAY SUB-CONTRACT THEREFOR WITH BAHAMIAN FIRMS.

ARTICLE VIII

HEALTH AND SANITATION

THE GOVERNMENT OF THE UNITED STATES SHALL OBSERVE HEALTH AND QUARANTINE LAWS IN FORCE IN THE BAHAMAS.

ARTICLE IX

PUBLIC SERVICES

THE UNITED STATES GOVERNMENT SHALL HAVE THE RIGHT TO EMPLOY AND USE ALL UTILITIES, SERVICES AND FACILITIES IN THE BAHAMAS BELONGING TO OR CONTROLLED OR REGULATED BY OR ON BEHALF OF THE GOVERNMENT OF THE BAHAMAS, ON SUCH CONDITIONS AS MAY BE AGREED BETWEEN APPROPRIATE AUTHORITIES OF THE TWO GOVERNMENTS.

ARTICLE X

POSTAL FACILITIES

1. UNITED STATES FORCES MAY ESTABLISH AND OPERATE UNITED STATES MILITARY POST OFFICES FOR THE HANDLING OF OFFICIAL CORRESPONDENCE AND DOCUMENTS AND MAIL OF AUTHORIZED INDIVIDUALS BETWEEN THESE AND OTHER UNITED STATES POST OFFICES. DETAILED ARRANGEMENTS FOR THE INTERCHANGE OF MAILS WITH OR THROUGH THE POSTAL SERVICES OF THE BAHAMAS SHALL BE MUTUALLY AGREED UPON.

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DEPARTMENT PLEASE PASS TO AMB. ALDRICH, S/AR AND ARA/CAR

2. THE AUTHORITIES OF THE BAHAMAS SHALL NOT INSPECT OFFICIAL MAIL OF ANY KIND IN UNITED STATES MILITARY POSTAL CHANNELS. THE UNITED STATES AUTHORITIES SHALL TAKE ALL PRACTICABLE STEPS TO PREVENT ITEMS FROM ENTERING THE BAHAMAS THROUGH UNITED STATES MILITARY POSTAL CHANNELS IN CONTRAVENTION OF BAHAMIAN HEALTH OR QUARANTINE REGULATIONS.

3. ANY INSPECTION OF NON-OFFICIAL PARCELS IN UNITED STATES MILITARY POSTAL CHANNELS WHICH MAY BE REQUIRED BY THE REGULATIONS OF THE GOVERNMENT OF THE BAHAMAS SHALL BE CONDUCTED BY THE BAHAMIAN AUTHORITIES IN ACCORDANCE WITH PROCEDURES TO BE AGREED UPON BY THE APPROPRIATE AUTHORITIES OF THE TWO GOVERNMENTS.

ARTICLE XI

FLAGS

WHENEVER THE UNITED STATES FLAG IS FLOWN AT AN ESTABLISHMENT OF THE UNITED STATES FORCES IN THE BAHAMAS, THE BAHAMIAN NATIONAL FLAG SHALL BE FLOWN ON A SEPARATE AND ADJACENT
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FLAGSTAFF IN THE PLACE OF HONOUR.

ARTICLE XII

SECURITY

1. REGULARLY CONSTITUTED MILITARY UNITS OR FORMATIONS OF THE UNITED STATES FORCES AND CIVILIAN SECURITY GUARDS OF UNITED STATES CONTRACTORS SHALL HAVE THE RIGHT TO TAKE ALL APPROPRIATE MEASURES TO ENSURE THE MAINTENANCE OF ORDER AND SECURITY IN

THE SITES.

2. OUTSIDE THE SITES, UNITED STATES MILITARY POLICE MAY BE EMPLOYED ONLY SUBJECT TO AGREEMENT WITH THE APPROPRIATE BAHAMIAN AUTHORITIES AND IN LIAISON WITH SUCH APPROPRIATE BAHAMIAN AUTHORITIES TO MAINTAIN DISCIPLINE AND ORDER AMONG THE MEMBERS OF THE UNITED STATES FORCES, OR TO ENSURE THEIR SECURITY.
3. THE UNITED STATES AUTHORITIES MAY, AFTER CONSULTATION WITH THE APPROPRIATE BAHAMIAN AUTHORITIES, DESIGNATE AREAS IN SITES INTO WHICH ONLY PERSONNEL AUTHORIZED BY THE UNITED STATES AUTHORITIES MAY ENTER. THE UNITED STATES FORCES WILL BE RESPONSIBLE FOR THE INTERNAL SECURITY OF AREAS SO DESIGNATED.

ARTICLE XIII

THIRD COUNTRY RIGHTS

THE GOVERNMENTS OF SUCH OTHER COUNTRIES AS MAY BE PROPOSED BY THE GOVERNMENT OF THE UNITED STATES AND AGREED TO BY THE GOVERNMENT OF THE BAHAMAS SHALL BE ENTITLED TO PARTICIPATE IN ACTIVITIES CONDUCTED PURSUANT TO THIS AGREEMENT ON SUCH CONDITIONS AS MAY BE DETERMINED BETWEEN THE GOVERNMENT OF THE UNITED STATES THE GOVERNMENT OF THE BAHAMAS AND THE GOVERN-
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MENTS OF ANY SUCH OTHER COUNTRIES.

ARTICLE XIV

SITES

1. THE SITES TO BE PROVIDED BY THE GOVERNMENT OF THE BAHAMAS TO THE UNITED STATES GOVERNMENT AND REFERRED TO IN THE ANNEX TO THIS AGREEMENT WILL BE FURTHER IDENTIFIED IN LEASES TO BE EXECUTED BETWEEN THE APPROPRIATE AUTHORITIES OF THE TWO GOVERNMENTS. THESE LEASES MAY BE AMENDED BY MUTUAL AGREEMENT OF THOSE TWO AUTHORITIES.
2. THE SITES MAY BE USED BY THE UNITED STATES GOVERNMENT FOR THE FOLLOWING PURPOSES:
 - (A) ESTABLISHING AND USING A LONG RANGE PROVING GROUND FOR TESTING AND MONITORING THE FLIGHT OF GUIDED MISSILES AND OTHER AERONAUTICAL OR SPACE OBJECTS FOR THE OPERATION OR TESTING OF OTHER MILITARY OR SCIENTIFIC EQUIPMENT, AND FOR TRAINING WITH SUCH MISSILES, OBJECTS AND EQUIPMENT.
 - (B) ESTABLISHING AND USING OCEANOGRAPHIC RESEARCH STATIONS FOR THE PURPOSE OF CONDUCTING A NAVAL PROGRAM OF OCEANOGRAPHIC RESEARCH DESIGNED TO ACQUIRE AND EVALUATE FUNDAMENTAL DATA OF A GENERAL DEFENSE INTEREST RELATING TO WATER CONDITIONS IN AREAS WHERE THIS INFORMATION IS LACKING, AND TO DEVELOP TECHNIQUES AND EQUIPMENT FOR ACQUIRING SUCH DATA FROM

SHOREBASED STATIONS AND FOR THE TRAINING OF PERSONNEL.

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(C) ESTABLISHING AND USING A CENTER TOGETHER WITH SUPPORTING
VESSELS, AIRCRAFT, AND EQUIPMENT FOR CONDUCTING UNDERWATER
RESEARCH, TESTING AND EVALUATION OF ANTI-SUBMARINE WEAPONS
SYSTEMS, SONAR TRACKING AND COMMUNICATIONS.

(D) ESTABLISHING AND OPERATING A LORAN STATION AND ASSOCIATED
INSTRUMENTATION AND COMMUNICATIONS SYSTEMS.

(E) SUCH OTHER PURPOSES AS MAY BE AGREED BETWEEN APPROPRIATE
AUTHORITIES OF THE TWO GOVERNMENTS.

ARTICLE XV

ENTRY AND DEPARTURE

1. THE GOVERNMENT OF THE BAHAMAS SHALL FACILITATE THE ADMISSION
OF MEMBERS OF THE UNITED STATES FORCES, UNITED STATES CONTRACTORS
AND CONTRACTOR PERSONNEL INTO, AND THEIR DEPARTURE FROM, THE
BAHAMAS IN CONNECTION, WITH ACTIVITIES UNDER THIS AGREEMENT.

2. THE UNDERMENTIONED DOCUMENTS ONLY SHALL BE REQUIRED IN RESPECT
OF MILITARY MEMBERS OF THE UNITED STATES FORCES, WHO MUST PRESENT
THEM ON DEMAND UPON THEIR ENTRY INTO THE BAHAMAS IN CONNECTION
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WITH ACTIVITIES UNDER THIS AGREEMENT:-

(A) PERSONAL IDENTITY CARD ISSUED BY THE APPROPRIATE UNITED STATES AUTHORITY SHOWING NAME, DATE OF BIRTH, RANK AND NUMBER (IF ANY), SERVICE AND PHOTOGRAPH;

(B) INDIVIDUAL OR COLLECTIVE MOVEMENT ORDER ISSUED BY AN APPROPRIATE UNITED STATES AUTHORITY AND CERTIFYING TO THE STATUS OF THE INDIVIDUAL OR GROUP AS A MEMBER OR MEMBERS OF THE UNITED STATES FORCES; AND

(C) SUCH DOCUMENTS CONFORMING TO STANDARDS APPROVED BY THE WORLD HEALTH ORGANIZATION AS MAY BE ISSUED BY THE APPROPRIATE UNITED STATES AUTHORITIES IN SATISFACTION OF THE BAHAMAS HEALTH AND QUARANTINE REGULATIONS.

3. UPON THEIR ENTRY INTO THE BAHAMAS, CIVILIAN MEMBERS OF THE UNITED STATES FORCES AND CONTRACTOR PERSONNEL SHALL BE REQUIRED TO BE IN POSSESSION OF THE DOCUMENTS REFERRED TO IN SUBPARAGRAPH 2(C) OF THIS ARTICLE AND A CERTIFICATE BY THE APPROPRIATE UNITED STATES AUTHORITY THAT THE HOLDER IS A MEMBER OF THE UNITED STATES FORCES OR CONTRACTOR PERSONNEL. THE CERTIFICATE WILL SERVE IN LIEU OF A VISA FOR NATIONALS OF THE UNITED STATES OR WHEN NO VISA IS REQUIRED UNDER BAHAMIAN REGULATIONS.

4. MEMBERS OF THE UNITED STATES FORCES AND CONTRACTOR PERSONNEL SHALL BE EXEMPT FROM BAHAMIAN REGULATIONS ON REGISTRATION AND CONTROL OF ALIENS, AND FROM ANY TAXES OR CHARGES ON THE ENTRY INTO OR EXIT FROM THE BAHAMAS, BUT SHALL NOT BE CONSIDERED AS ACQUIRING ANY RIGHT TO PERMANENT RESIDENCE OR DOMICILE IN THE BAHAMAS.

5. IF A PERSON CEASES WHILE STILL IN THE BAHAMAS TO BE A MEMBER OF THE UNITED STATES FORCES, THE UNITED STATES GOVERNMENT SHALL, WITHIN THE FRAMEWORK OF AND SUBJECT TO RELEVANT UNITED STATES LAW AND REGULATIONS, TAKE STEPS TO EFFECT THE DEPARTURE FROM THE BAHAMAS OF THAT PERSON WITHIN TEN DAYS OF HIS SO CEASING TO BE SUCH A MEMBER, CONFIDENTIAL

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UNLESS WITH THE APPROVAL OF THE GOVERNMENT OF THE BAHAMAS OTHER ARRANGEMENTS ARE MADE. WHERE THE FORMER MEMBER HAS NOT LEFT THE BAHAMAS AT THE END OF TEN DAYS OF HIS CEASING TO BE A MEMBER AND NO OTHER ARRANGEMENTS HAVE BEEN APPROVED BY THE GOVERNMENT OF THE BAHAMAS, THE UNITED STATES AUTHORITIES SHALL THEREUPON INFORM THE GOVERNMENT OF THE BAHAMAS, GIVING PARTICULARS AS MAY BE REQUIRED. NOTIFICATION SHALL ALSO BE GIVEN TO THE GOVERNMENT OF THE BAHAMAS CONCERNING ANY MEMBERS OF THE UNITED STATES FORCES WHO, AFTER HAVING BEEN ADMITTED INTO THE BAHAMAS, ABSENT THEMSELVES FOR MORE THAN TEN DAYS, OTHERWISE THAN ON APPROVED LEAVE. SIMILAR NOTIFICATION SHALL BE GIVEN TO THE GOVERNMENT OF THE BAHAMAS REGARDING CONTRACTOR PERSONNEL WHO LOSE THEIR ENTITLEMENT TO SUCH STATUS OR WHO ARE ABSENT WITHOUT LEAVE FOR MORE THAN TEN DAYS.

6. IF THE GOVERNMENT OF THE BAHAMAS HAS REQUESTED THE REMOVAL FROM THE BAHAMAS OF A MEMBER OF THE UNITED STATES FORCES OR CONTRACTOR PERSONNEL ADMITTED IN ACCORDANCE WITH THIS AGREEMENT, OR HAS MADE A DEPORTATION ORDER AGAINST A PERSON WHO FORMERLY HELD SUCH STATUS AND WHO HAS NOT BEEN GRANTED PERMISSION BY BAHAMIAN AUTHORITIES TO REMAIN IN THE BAHAMAS, THE UNITED STATES GOVERNMENT SHALL TAKE SUCH STEPS AS ARE OPEN TO IT TO REMOVE FROM THE BAHAMAS AS SOON AS POSSIBLE ANY SUCH MEMBER OF THE UNITED STATES FORCES OR CONTRACTOR PERSONNEL OR ANY PERSON WHO FORMERLY HELD SUCH STATUS.

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DEPARTMENT PLEASE PASS TO AMB ALDRICH, S/AR AND ARA/CAR

ARTICLE XVI

FISCAL EXEMPTIONS

MOTOR VEHICLE TAXES

1. NO TAX OR FEE SHALL BE PAYABLE IN RESPECT OF REGISTRATION OR LICENSING FOR USE IN THE BAHAMAS OF MOTOR VEHICLES BELONGING TO THE UNITED STATES GOVERNMENT AND USED FOR PURPOSES DIRECTLY IN CONNECTION WITH THE MAINTENANCE OR OPERATION OF THE SITES.

CUSTOMS DUTIES AND OTHER TAXES ON GOODS

2. NO IMPORT DUTY, EXCISE TAX, IMPOST, OR OTHER TAX OF ANY KIND SHALL BE CHARGED ON:

(A) MATERIAL, EQUIPMENT, SUPPLIED, GOODS, OR SERVICES IMPORTED ON BEHALF OF THE UNITED STATES GOVERNMENT OR A UNITED STATES CONTRACTOR FOR USE IN CONNECTION WITH ACTIVITIES CONDUCTED UNDER THIS AGREEMENT;

(B) GOODS FOR USE OR CONSUMPTION ABOARD UNITED STATES
PUBLIC VESSELS OR AIRCRAFT OF THE ARMY, NAVY, AIR
FORCE, COAST GUARD OR COAST AND GEODETIC SURVEY;
(C) GOODS CONSIGNED TO THE UNITED STATES AUTHORITIES
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OR TO A CONTRACTOR FOR THE USE OF INSTITUTIONS UNDER
THE CONTROL OF THE UNITED STATES AUTHORITIES OR
UNITED STATES CONTRACTORS KNOWN AS POST EXCHANGES,
NAVY EXCHANGES, COMMISSARY STORES, SERVICE CLUBS,
CONTRACTORS' MESSES AND RECREATIONAL FACILITIES,
OR FOR SALE THEREAT TO MEMBERS OF THE UNITED STATES
FORCES (WHICH TERM NOT INCLUDE EITHER PERSONS RE-
FERRED TO IN PARAGRAPH (D) (II) OF ARTICLE I WHO
ARE NOT NATIONALS OF THE UNITED STATES, OR
DEPENDENTS WHO ARE NOT RESIDENT WITH THE PERSONS
REFERRED TO IN PARAGRAPH (D) (I) AND (II) OF
ARTICLE I OR WHO ARE ENGAGED IN ANY BUSINESS OR
OCCUPATION IN THE BAHAMAS) OR CONTRACTOR PERSONNEL
BEING NATIONALS OF THE UNITED STATES OR THE DEPENDENTS
OF SUCH PERSONNEL RESIDENT WITH THEM AND NOT ENGAGED
IN ANY BUSINESS OR OCCUPATION IN THE BAHAMAS;
(D) THE PERSONAL BELONGINGS OR HOUSEHOLD EFFECTS OF
PERSONS REFERRED TO IN SUB-PARAGRAPH (C) OF
THIS PARAGRAPH, PROVIDED THAT SUCH BELONGINGS
OR EFFECTS ACCOMPANY THE OWNER OR ARE IMPORTED
EITHER:
(I) WITHIN A PERIOD BEGINNING 60 DAYS BEFORE
AND ENDING 120 DAYS AFTER THE OWNER'S
ARRIVAL; OR
(II) WITHIN A PERIOD OF 6 MONTHS IMMEDIATELY
FOLLOWING HIS ARRIVAL;
(E) GOODS FOR CONSUMPTION AND GOODS (OTHER THAN PERSONAL
BELONGINGS AND HOUSEHOLD EFFECTS) IMPORTED AFTER
FIRST ARRIVAL, INCLUDING GIFTS, CONSIGNED TO
MEMBERS OF THE UNITED STATES FORCES (WHICH TERM
FOR THE PURPOSES OF THIS SUB-PARAGRAPH SHALL HAVE
THE SAME MEANING AS IN SUB-PARAGRAPH (C) ABOVE)
PROVIDED THAT SUCH GOODS ARE:
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(I) OF UNITED STATES ORIGIN IF THE GOVERNMENT OF
THE BAHAMAS SO REQUIRES; AND
(II) IMPORTED FOR THE PERSONAL USE OF THE RECIPIENT.
3. NO EXPORT TAX SHALL BE CHARGED ON THE MATERIAL, EQUIPMENT,
SUPPLIES OR GOODS MENTIONED IN PARAGRAPH 2 IN THE EVENT OF

RESHIPMENT FROM THE BAHAMAS.

4. THIS ARTICLE SHALL APPLY NOTWITHSTANDING THAT THE MATERIAL, EQUIPMENT, SUPPLIES OR GOODS PASS THROUGH OTHER PARTS OF THE BAHAMAS EN ROUTE TO OR FROM THE SITE.

5. THE UNITED STATES AUTHORITIES SHALL DO ALL IN THEIR POWER TO PRESENT ANY ABUSE OF CUSTOMS PRIVILEGES AND SHALL TAKE ADMINISTRATIVE MEASURES, WHICH SHALL BE MUTUALLY AGREED UPON BETWEEN THE APPROPRIATE AUTHORITIES OF THE UNITED STATES AND THE BAHAMAS, TO PREVENT THE DISPOSAL, WHETHER BY RESALE OR OTHERWISE, OF GOODS WHICH ARE USED OR SOLD UNDER PARAGRAPH 2(C), OR IMPORTED UNDER PARAGRAPH 2(D) OR (E) OF THIS ARTICLE, TO PERSONS NOT ENTITLED TO BUY GOODS AT THE INSTITUTIONS REFERRED TO IN THE SAID PARAGRAPH 2(C), OR NOT ENTITLED TO FREE IMPORTATION UNDER THE SAID PARAGRAPH 2(D) OR (E). THERE SHALL BE COOPERATION BETWEEN THE UNITED STATES AUTHORITIES AND THE GOVERNMENT OF THE BAHAMAS TO THIS END, BOTH IN PREVENTION AND IN INVESTIGATION OF CASES OF ABUSE.

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DEPARTMENT PLEASE PASS TO AMB. ALDRICH, S/AR AND ARA/CAR

TAXATION

6. NO MEMBER OF THE UNITED STATES FORCES (WHICH TERM FOR THE PURPOSES OF THIS PARAGRAPH SHALL NOT INCLUDE DEPENDENTS OTHER THAN A SPOUSE AND MINOR CHILDREN) OR NATIONAL OF THE UNITED STATES SERVING OR EMPLOYED IN THE BAHAMAS IN CONNECTION WITH THE ESTABLISHMENT, MAINTENANCE OR OPERATION OF THE SITES AND RESIDING IN THE BAHAMAS BY REASON ONLY OF SUCH EMPLOYMENT, OR HIS WIFE OR MINOR CHILDREN, SHALL BE LIABLE TO PAY INCOME

TAX IN THE BAHAMAS EXCEPT IN RESPECT OF INCOME DERIVED FROM THE BAHAMAS.

7. MEMBERS OF THE UNITED STATES FORCES AND CONTRACTOR PERSONNEL SHALL NOT BE LIABLE TO PAY IN THE BAHAMAS ANY HEAD TAX OR OTHER TAX ON THEIR PERSONS, OR ANY TAX ON OWNERSHIP OR USE OF PROPERTY WHICH IS SITUATED OUTSIDE THE BAHAMAS, OR SITUATED WITHIN THE BAHAMAS SOLELY BY REASON OF THEIR PRESENCE THERE IN CONNECTION WITH ACTIVITIES UNDER THIS AGREEMENT.

8. UNITED STATES CONTRACTORS SHALL NOT BE LIABLE TO PAY INCOME TAX IN THE BAHAMAS ON ANY PROFITS DERIVED UNDER THEIR CONTRACTS WITH THE UNITED STATES GOVERNMENT, OR ANY TAX
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IN THE NATURE OF A LICENSE WITH RESPECT TO ANY SERVICE OR WORK FOR THE UNITED STATES GOVERNMENT, IN CONNECTION WITH ACTIVITIES UNDER THIS AGREEMENT.

ARTICLE XVII

CRIMINAL JURISDICTION

1. SUBJECT TO THE PROVISIONS OF THIS ARTICLE,

(A) THE MILITARY AUTHORITIES OF THE UNITED STATES SHALL HAVE THE RIGHT TO EXERCISE WITHIN THE BAHAMAS ALL CRIMINAL AND DISCIPLINARY JURISDICTION CONFERRED ON THEM BY UNITED STATES LAW OVER ALL PERSONS SUBJECT TO THE MILITARY LAW OF THE UNITED STATES; AND

(B) THE AUTHORITIES OF THE BAHAMAS SHALL HAVE JURISDICTION OVER THE MEMBERS OF THE UNITED STATES FORCES, UNITED STATES CONTRACTORS AND CONTRACTOR PERSONNEL WITH RESPECT TO OFFENSES COMMITTED WITHIN THE BAHAMAS AND PUNISHABLE BY THE LAW OF THE BAHAMAS.

2. (A) THE MILITARY AUTHORITIES OF THE UNITED STATES SHALL HAVE THE RIGHT TO EXERCISE EXCLUSIVE JURISDICTION OVER PERSONS SUBJECT TO THE MILITARY LAW OF THE UNITED STATES WITH RESPECT TO OFFENSES, INCLUDING OFFENSES RELATING TO SECURITY, PUNISHABLE BY THE LAW OF THE UNITED STATES BUT NOT BY THE LAW OF THE BAHAMAS.

(B) THE AUTHORITIES OF THE BAHAMAS SHALL HAVE THE RIGHT TO EXERCISE EXCLUSIVE JURISDICTION OVER MEMBERS OF THE UNITED STATES FORCES, UNITED STATES CONTRACTORS AND CONTRACTOR PERSONNEL WITH RESPECT TO OFFENSES, INCLUDING OFFENSES RELATING TO SECURITY, PUNISHABLE BY THE LAW OF THE BAHAMAS BUT NOT BY THE LAW OF THE UNITED STATES.

(C) FOR THE PURPOSES OF THIS PARAGRAPH AND OF PARAGRAPH 3 OF THIS ARTICLE, AN OFFENSE RELATING TO SECURITY SHALL INCLUDE

(I) TREASON; AND
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(II) SABOTAGE, ESPIONAGE OR VIOLATION OF ANY LAW RELATING TO OFFICIAL SECRETS OR SECRETS RELATING TO NATIONAL DEFENSE.
3. IN CASES WHERE THE RIGHT TO EXERCISE JURISDICTION IS CONCURRENT THE FOLLOWING RULES SHALL APPLY:
(A) THE MILITARY AUTHORITIES OF THE UNITED STATES SHALL HAVE THE PRIMARY RIGHT TO EXERCISE JURISDICTION OVER PERSONS SUBJECT TO THE MILITARY LAW OF THE UNITED STATES IN RELATION TO
(I) OFFENSES SOLELY AGAINST THE PROPERTY OF SECURITY OF THE UNITED STATES OR OFFENSES SOLELY AGAINST THE PERSON OR PROPERTY OF MEMBERS OF THE UNITED STATES FORCES;
(II) OFFENSES ARISING OUT OF ANY ACT OR OMISSION DONE IN THE PERFORMANCE OF OFFICIAL DUTY.
(B) IN THE CASE OF ANY OTHER OFFENSE THE AUTHORITIES OF THE BAHAMAS SHALL HAVE THE PRIMARY RIGHT TO EXERCISE JURISDICTION.

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(C) IF THE AUTHORITIES HAVING THE PRIMARY RIGHT DECIDE NOT TO EXERCISE JURISDICTION, THEY SHALL NOTIFY THE OTHER AUTHORITIES AS SOON AS PRACTICABLE. THE UNITED STATES AUTHORITIES SHALL GIVE SYMPATHETIC CONSIDERATION TO A REQUEST FROM THE AUTHORITIES OF THE BAHAMAS FOR A WAIVER OF THEIR PRIMARY RIGHT IN CASES WHERE THE AUTHORITIES OF THE BAHAMAS CONSIDER SUCH WAIVER TO BE OF PARTICULAR IMPORTANCE. THE AUTHORITIES OF THE BAHAMAS SHALL GIVE SYMPATHETIC CONSIDERATION TO A REQUEST FROM THE AUTHORITIES

OF THE UNITED STATES FOR A WAIVER OF THEIR PRIMARY RIGHT IN CASES WHERE THE AUTHORITIES OF THE UNITED STATES CONSIDER SUCH WAIVER TO BE OF PARTICULAR IMPORTANCE.

4. THE FOREGOING PROVISIONS OF THIS ARTICLE SHAL NOT IMPLY ANY RIGHT FOR THE MILITARY AUTHORITIES OF THE UNITED STATES TO EXERCISE JURISDICTION OVER PERSONS WHO ARE NATIONALS OF, OR ARE ORDINARILY RESIDENT IN, THE BAHAMAS UNLESS THEY ARE MILITARY MEMBERS OF THE UNITED STATES FORCES.

5. (A) TO THE EXTENT AUTHORIZED BY LAW, THE AUTHORITIES OF THE BAHAMAS AND THE MILITARY AUTHORITIES OF THE UNITED STATES SHALL ASSIST EACH OTHER IN THE SERVICE OF PROCESS AND
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IN THE ARREST OF MEMBERS OF THE UNITED STATES FORCES, UNITED STATES CONTRACTORS AND CONTRACTOR PERSONNEL IN THE BAHAMAS AND IN HANDING THEM OVER TO THE AUTHORITIES WHICH ARE TO EXERCISE JURISDICTION IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE.

(B) THE AUTHORITIES OF THE BAHAMAS SHALL NOTIFY PROMPTLY THE MILITARY AUTHORITIES OF THE UNITED STATES OF THE ARREST OR DETENTION OF ANY MEMBER OF THE UNITED STATES FORCES, UNITED STATES CONTRACTORS OR CONTRACTOR PERSONNEL.

(C) THE CUSTODY OF AN ACCUSED MEMBER OF THE UNITED STATES FORCES OVER WHOM THE AUTHORITIES OF THE BAHAMAS ARE TO EXERCISE JURISDICTION SHALL, IF THE ACCUSED IS IN THE HANDS OF THE MILITARY AUTHORITIES OF THE UNITED STATES, REMAIN WITH THE MILITARY AUTHORITIES OF THE UNITED STATES UNTIL HE IS CHARGED. WHEN AN ACCUSED IS IN THE CUSTODY OF THE MILITARY AUTHORITIES OF THE UNITED STATES, THE MILITARY AUTHORITIES OF THE UNITED STATES SHALL UPON REQUEST TRANSFER CUSTODY TO THE AUTHORITIES OF THE BAHAMAS. THE MILITARY AUTHORITIES OF THE UNITED STATES SHALL PENDING THE INSTITUTION OF A CHARGE, PROMPTLY MAKE ANY PERSON FOR WHOM THEY HAVE RESPONSIBILITY FOR CUSTODY AVAILABLE TO THE AUTHORITIES OF THE BAHAMAS UPON THEIR REQUEST FOR PURPOSES OF INVESTIGATION. THE AUTHORITIES OF THE BAHAMAS SHALL GIVE SYMPATHETIC CONSIDERATION TO A REQUEST FROM THE MILITARY AUTHORITIES OF THE UNITED STATES FOR ASSISTANCE IN MAINTAINING CUSTODY OF AN ACCUSED MEMBER OF THE UNITED STATES FORCES.

6.(A) TO THE EXTENT AUTHORIZED BY LAW, THE AUTHORITIES OF THE BAHAMAS AND OF THE UNITED STATES SHALL ASSIST EACHOTHER IN THE CARRYING OUT OF ALL NECESSARY INVESTIGATIONS INTO OFFENSES, IN PROVIDING FOR THE ATTENDANCE OF WITNESSES AND IN THE COLLECTION AND PRODUCTION OF EVIDENCE, INCLUDING THE SEIZURE AND, IN PROPER CASES, THE HANDING OVER OF OBJECTS CONNECTED WITH AN OFFENSE. THE HANDING OVER OF
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SUCH OBJECTS MAY, HOWEVER, BE MADE SUBJECT TO THEIR RETURN
WITHIN THE TIME SPECIFIED BY THE AUTHORITIES DELIVERING
THEM.

(B) THE AUTHORITIES OF THE BAHAMAS AND OF THE UNITED STATES
SHALL NOTIFY ONE ANOTHER OF THE DISPOSITION OF ALL CASES
IN WHICH THERE ARE CONCURRENT RIGHTS TO EXERCISE JURISDICTION.

7. UNITED STATES AUTHORITIES SHALL HAVE THE RIGHT TO VISIT AN
IMPRISONED MEMBER OF THE UNITED STATES FORCES AT ANY TIME AND TO
PROVIDE THEM WITH SUCH MATERIAL ASSISTANCE AS THE UNITED STATES
AUTHORITIES DEEM APPROPRIATE, WHICH ARE NOT INCONSISTENT WITH
PERTINENT BAHAMIAN PRISON REGULATIONS.

8. A DEATH SENTENCE SHALL NOT BE CARRIED OUT IN THE BAHAMAS BY THE
MILITARY AUTHORITIES OF THE UNITED STATES.

9. NOTHING IN THIS ARTICLE SHALL, PREVENT THE MILITARY AUTHORITIES
OF THE UNITED STATES FROM TRYING A MILITARY MEMBER OF THE UNITED
STATES FORCES FOR ANY VIOLATION OF RULES OF DISCIPLINE ARISING
FROM AN ACT OR OMISSION WHICH CONSTITUTED AN OFFENSE FOR WHICH HE
WAS TRIED BY THE AUTHORITIES OF THE BAHAMAS.

10. WHERE A MEMBER OF THE UNITED STATES FORCES IS TRIED BY THE
MILITARY AUTHORITIES OF THE UNITED STATES FOR AN OFFENSE COMMITTED
OUTSIDE THE SITES OR INVOLVING A PERSON, OR THE PROPERTY OF A PERSON,
OTHER THAN A MEMBER OF THE UNITED STATES FORCES, THE AGGRIEVED PARTY

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AND REPRESENTATIVES OF THE BAHAMAS GOVERNMENT AND OF THE AGGRIEVED

PARTY MAY ATTEND THE TRIAL PROCEEDINGS EXCEPT WHERE THIS WOULD BE INCONSISTENT WITH THE RULES OF THE COURT.

11. A CERTIFICATE OF THE APPROPRIATE UNITED STATES COMMANDING OFFICER THAT AN OFFENSE AROSE OUT OF AN ACT OR OMISSION DONE IN THE PERFORMANCE OF OFFICIAL DUTY SHALL BE CONSLUSIVE, BUT THE COMMANDING OFFICER SHALL GIVE CONSIDERATION TO ANY REPRESENTATION MADE BY THE GOVERNMENT OF THE BAHAMAS.

ARTICLE XVIII

CIVIL CLAIMS

1. THE UNITED STATES GOVERNMENT AGREES TO PAY JUST AND REASONABLE COMPENSATION, WHICH SHALL BE DETERMINED IN ACCORDANCE WITH THE MEASURE OF DAMAGES PRESCRIBED BY THE LAW OF THE BAHAMAS, IN SETTLEMENT OF CIVIL CLAIMS (OTHER THAN CONTRACTUAL CLAIMS) ARISING OUT OF ACTS OR OMISSIONS OF MEMBERS OF THE UNITED STATES FORCES DONE IN THE PERFORMANCE OF OFFICIAL DUTY OR OUT OF ANY OTHER ACT OR OMISSION OR OCCURRENCE FOR WHICH THE UNITED STATES FORCES ARE CONFIDENTIAL

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LEGALLY RESPONSIBLE.

2. ALL SUCH CLAIMS SHALL BE PROCESSED AND SETTLED IN ACCORDANCE WITH THE APPLICABLE PROVISION OF THE UNITED STATES LAW.

ARTICLE XIX

USE OF CURRENCY

1. THE UNITED STATES GOVERNMENT SHALL COOPERATE WITH THE GOVERNMENT OF THE BAHAMAS IN ENSURING COMPLIANCE WITH THE FOREIGN EXCHANGE LAWS OF THE BAHAMAS. THE UNITED STATES FORCES AND UNITED STATES CONTRACTORS MAY POSSESS AND USE UNITED STATES CURRENCY FOR OFFICIAL PRUPOSES, INCLUDING THE PAYMENT OF PERSONNEL, AND MAY PURCHASE AND USE LOCAL CURRENCY.

2. MEMBERS OF THE UNITED STATES FORCES AND CONTRACTOR PERSONNEL MAY USE FOR INTERNAL TRANSACTIONS AND EXPORT UNITED STATES CURRENCY RECEIVED FROM THE UNITED STATES FORCES OR UNITED STATES CONTRACTORS.

3. THE APPROPRIATE AUTHORITIES SHALL COOPERATE IN THE ESTABLISHMENT OF FACILITIES TO PERMIT THE PURCHASE OF LOCAL CURRENCY WITH UNITED STATES CURRENCY AND TO PREVENT UNAUTHORIZED TRANSACTIONS IN EITHER CURRENCY.

ARTICLE XX

DRIVING PERMITS AND MOTOR VEHICLE REGISTRATION

1. THE GOVERNMENT OF THE BAHAMAS SHALL HONOR, WITHOUT DRIVING TEST OR FEE, DRIVING PERMITS ISSUED BY THE UNITED STATES OR A SUBDIVISION THEREOF TO MEMBERS OF THE UNITED STATES FORCES OR ISSUE ITS OWN

DRIVING PERMITS WITHOUT TEST OR FEE TO SUCH PERSONS WHO HOLD SUCH UNITED STATES PERMITS. MEMBERS OF THE UNITED STATES FORCES WHO DO NOT HOLD DRIVING PERMITS ISSUED BY THE UNITED STATES OR A SUBDIVISION THEREOF MAY OBTAIN LICENSES IN ACCORDANCE WITH THE LAW OF THE CONFIDENTIAL

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BAHAMAS.

2. THE UNITED STATES AUTHORITIES, IN COOPERATION WITH THE AUTHORITIES OF THE BAHAMAS, SHALL ISSUE APPROPRIATE INSTRUCTIONS TO MEMBERS OF THE

UNITED STATES FORCES, FULLY INFORMING THEM OF THE TRAFFIC LAWS IN FORCE IN THE BAHAMAS AND REQUIRING STRICT COMPLIANCE THEREWITH.

3. OFFICIAL VEHICLES OF THE UNITED STATES FORCES SHALL CARRY A DISTINCTIVE NUMBER.

4. PRIVATELY OWNED VEHICLES OF MEMBERS OF THE UNITED STATES FORCES AND OF CONTRACTOR PERSONNEL SHALL CARRY BAHAMIAN NUMBER PLATES TO BE ACQUIRED UNDER AND SUBJECT TO THE APPLICABLE BAHAMIAN LAWS AND REGULATIONS.

ARTICLE XXI

ARMS

MEMBERS OF THE UNITED STATES FORCES MAY POSSESS AND CARRY ARMS WITHIN THE SITES ON CONDITION THAT THEY ARE AUTHORIZED TO DO SO BY THEIR ORDERS.

ARTICLE XXII

MEDICAL SERVICES

1. FOR THE PURPOSE OF THIS ARTICLE, THE TERM "MEDICAL PERSONNEL" MEANS THE PHYSICIANS, SURGEONS, SPECIALISTS, DENTISTS, NURSES AND OTHER MEMBERS OF THE UNITED STATES FORCES IN THE BAHAMAS WHO PERFORM MEDICAL SERVICES, AND OTHER SIMILAR PERSONNEL OF UNITED STATES NATIONALITY OR ORDINARILY RESIDENT IN THE UNITED STATES EMPLOYED OR CONTRACTED BY THE UNITED STATES FORCES.

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2. THE UNITED STATES AUTHORITIES ARE AUTHORIZED TO MAINTAIN
AND OPERATE HOSPITALS AND OTHER HEALTH FACILITIES ON THE SITES.
3. MEDICAL PERSONNEL MAY PERFORM MEDICAL SERVICES IN THE
BAHAMAS OF THE SAME TYPE WHICH SUCH PERSONS ARE AUTHORIZED
TO PERFORM AT UNITED STATES MILITARY MEDICAL FACILITIES WITHOUT
PRIOR EXAMINATION OR REVALIDATION OF THEIR PROFESSIONAL
CERTIFICATES BY THE AUTHORITIES OF THE BAHAMAS.
4. EXCEPT AS OTHERWISE AGREED BY BAHAMIAN AUTHORITIES, MEDICAL
PERSONNEL SHALL LIMIT THEIR SERVICES TO MEMBERS OF UNITED STATES
FORCES, UNITED STATES CONTRACTORS AND CONTRACTOR PERSONNEL.
IN CASE OF EMERGENCY, SUCH PERSONNEL MAY RENDER MEDICAL ASSIST-
ANCE TO ANY PERSONS IN BAHAMIAN TERRITORY.
5. THE REMAINS OF MEMBERS OF THE UNITED STATES FORCES WHO
DIE IN THE BAHAMAS MAY BE CLAIMED, GIVEN POST MORTEM EXAMINATION,
EMBALMED AND TRANSPORTED OUTSIDE THE BAHAMAS. WHEN DEATH
OCCURS OUTSIDE A MEDICAL CENTER OF THE UNITED STATES, THE
REMAN OF SUCH PERSONS WILL BE DELIVERED AS SOON AS POSSIBLE
TO THE CUSTODY OF UNITED STATES MILITARY AUTHORITIES. THE
CERTIFICATES OF DEATH AND OTHER REQUIRED DOCUMENTS WILL BE
PREPARED IN ACCORDANCE WITH BAHAMIAN LAW.
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ARTICLE XXIII

COMPETENT AUTHORITIES

NOTHING IN THIS AGREEMENT SHALL IMPAIR THE FREEDOM OF MOVEMENT
WITHIN THE BAHAMAS OF THEIR COMPETENT AUTHORITIES. THE DE-
SIGNATION OF COMPETENT AUTHORITIES IN RESPECT OF A SITE SHALL
BE NOTIFIED TO THE UNITED STATES AUTHORITIES. SUBJECT TO
ARTICLE XII(3), ACCESS MAY BE REFUSED BY THE UNITED STATES
AUTHORITIES TO SECURE AREAS WITHIN THE SITES.

ARTICLE XXIV

GENERAL OBLIGATIONS

1. SAVE AS IS EXPRESSLY PROVIDED IN THIS AGREEMENT, NOTHING HEREIN SHALL BE SO CONSTRUED AS TO IMPAIR THE AUTHORITY OF THE GOVERNMENT OF THE BAHAMAS WITH REGARD TO THE AFFAIRS OF THE BAHAMAS.
2. MEMBERS OF THE UNITED STATES FORCES, UNITED STATES CONTRACTORS AND CONTRACTOR PERSONNEL IN THE BAHAMAS FOR THE PURPOSES OF THIS AGREEMENT SHALL OBSERVE THE LAWS OF THE BAHAMAS AND REFRAIN FROM ANY ACTIVITY INCONSISTENT WITH THE SPIRIT OF THIS AGREEMENT. SUCH PERSONS SHALL NOT TAKE PART DIRECTLY OR INDIRECTLY IN THE POLITICAL AFFAIRS OF THE BAHAMAS.
3. IN THE EXERCISE OF THE PRIVILEGES AND FACILITIES GRANTED UNDER THIS AGREEMENT, THE UNITED STATES GOVERNMENT SHALL TAKE EVERY PRACTICABLE MEASURE TO ENSURE THE SAFETY AND SAFEGUARD THE INTEREST OF THE PEOPLE OF THE BAHAMAS.

ARTICLE XXV

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IMPLEMENTATION

THE UNITED STATES GOVERNMENT AND THE GOVERNMENT OF THE BAHAMAS RESPECTIVELY WILL DO ALL IN THEIR POWER TO ASSIST EACH OTHER IN GIVING FULL EFFECT TO THE PROVISIONS OF THIS AGREEMENT ACCORDING TO ITS TENOR AND WILL TAKE ALL APPROPRIATE STEPS TO THAT END.

ARTICLE XXVI

DURATION

THIS AGREEMENT SHALL ENTER INTO FORCE ON THE DATE OF SIGNATURE AND SHALL CONTINUE IN FORCE UNTIL JULY 10, 1988, AND, UNLESS TERMINATED AT THAT TIME BY NOTICE OF EITHER GOVERNMENT GIVEN ONE YEAR EARLIER, THEREAFTER UNTIL ONE YEAR FROM THE DAY ON WHICH EITHER GOVERNMENT SHALL GIVE NOTICE OF ITS INTENTION TO TERMINATE THE AGREEMENT.

IN WITNESS WHEREOF THE UNDERSIGNED, BEING DULY AUTHORIZED THERETO BY THEIR RESPECTIVE GOVERNMENTS, HAVE SIGNED THIS AGREEMENT

DONE IN DUPLICATE AT ON THE 1978.

FOR THE GOVERNMENT OF THE COMMONWEALTH OF THE BAHAMAS:

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: TEXT, NEGOTIATIONS, MILITARY BASE AGREEMENTS
Control Number: n/a
Copy: SINGLE
Draft Date: 20 jun 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978NASSAU01322
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D780257-0890
Format: TEL
From: NASSAU
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780640/aaaabipb.tel
Line Count: 1305
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 7fb24685-c288-dd11-92da-001cc4696bcc
Office: ACTION ARA
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 24
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 78 NASSAU 1321
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 29 jun 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2285124
Secure: OPEN
Status: NATIVE
Subject: FACILITIES NEGOTIATIONS
TAGS: MILI, MARR, BF, US
To: STATE
Type: TE
vdkgvwkey: odhc://SAS/SAS.dbo.SAS_Docs/7fb24685-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014